

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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TERRELL SHOCKLEY-BYRD,  
Plaintiff,

v.

SGT. ZAMBRANA;  
CAPTAIN SERGI; and  
WARDEN EDWARD D. MCFADDEN,  
Defendants.

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No. 18-cv-4845

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**ORDER**

**AND NOW**, this 22<sup>nd</sup> day of May, 2019, for the reasons expressed in the opinion issued this date, **IT IS ORDERED THAT**:

1. Defendants' Motion to Dismiss, ECF No. 12, is **GRANTED IN PART**.
2. Plaintiff's claims against Defendants Captain Sergi and Warden McFadden are **DISMISSED without prejudice**.
3. Defendants' Motion to Dismiss is **DENIED** with respect to Plaintiff's claims against Defendant Sergeant Zambrana.
4. Plaintiff's Motion for Appointment of Counsel, ECF No. 10, is **GRANTED IN PART** to the extent that the Clerk of Court shall **REFER** this case to the Eastern District's Prisoner Civil Rights Panel to seek counsel for Plaintiff.<sup>1</sup> This case shall remain on the panel for **sixty days** and is **STAYED** during that time.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge

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<sup>1</sup> Plaintiff is advised that attorneys participating in the Prisoner Civil Rights Panel select referred cases on a volunteer basis and that the Court's decision to refer his case to the panel is not a guarantee that an attorney will represent him. If no attorney selects his case during the period it is on the panel, Plaintiff will be directed to inform the Court whether he intends to proceed pro se or discontinue his case.